



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,870	01/29/2001	Thomas Francis McGee III	US010016	7779

24737 7590 08/01/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 08/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,870

Applicant(s)

MC GEE ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction, filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolovska et al. (US. Patent No. 6,473,751).

Regarding on claim 1, Nikolovska teaches a method for searching for television programs comprising the step of:

Identifying at least one key object in at least one Internet document (common terms in selection made by the user) (col. 12, lines 4-5);

Sending said at least one key object to a search capable video recorder (col. 12, lines 6-21); and

Art Unit: 2172

Conducting a key object search with search capable video recorder to locate at least one television program that contains said at least one key object (col. 12, lines 22-26).

Although, Nikolovska does not clearly disclose the search capable video recorder. However, Nikolovska teaches, "the computer 240 has a mass storage device 235, for example a hard disk, to storage program schedule information, program application and upgrades, and other information" (col. 7, lines 4-7). The computer 240 is a searchable video recorder. Since, the claim does not limit itself to any device computer 240 can perform a search and record information. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the computer 240 as taught in Nikolovska to perform two functions searching and recording to provide the user use of ease in a multitask system.

Regarding on claim 2, Nikolovska teaches identifying a plurality of key objects in at least one Internet (col. 12, lines 4-5);

Placing said plurality of key objects in a list of key objects (col. 13, lines 53-56);

Sending said list of key objects to said search capable video recorder (computer) (col. 12, lines 6-21); and

Conducting a key object search with said search capable video recorder to locate at least one television program that contains at least one key object in said list of key objects (col. 12, lines 22-26).

Regarding on claim 3, Nikolovska teaches increasing the number of said plurality of key objects in said list of key objects by adding key objects to said list that are similar to said plurality of key objects in said list of key objects (col. 3, lines 53-56).

Regarding on claim 9, Nikolovska teaches key object search is conducted for a predetermined period of time (col. 9, lines 38-40).

Regarding on claim 10, Nikolovska teaches key object search identifies at least one television program using program identification information (col. 12, lines 22-26).

Regarding on claim 11, Nikolovska teaches key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key objects used in said key object search (col. 12, lines 22-26)

Regarding on claim 12, Nikolovska teaches search capable video recorder comprises one of: a video recorder with a hard disk memory (computer 240 having a mass storage device) (col. 7, lines 4-5), a television set with a video recorder with a hard disk memory, a set top box with a video recorder with a hard disk memory, a video cassette recorder with a hard disk memory, and a personal computer with a video card.

Art Unit: 2172

4. Claims 4-8 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolovska et al. (US. Patent No. 6,473,751) in view of Stubbe et al. (US. Patent No. 5,469,206).

Regarding on claim 13, Nikolovska teaches a method for searching for television programs comprising the steps of:

identifying at least one key object in at least one Internet document (common terms in selection made by the user) (col. 12, lines 4-5);

sending said at least one key object to a search capable video recorder (col. 12, lines 6-21);

conducting a key object search with said search capable video recorder to locate at least one television program that contains said at least one key object (col. 12, lines 7-10);

providing search results of said key object search to a viewer, said search results identifying at least one television program that contains at least one key object (col. 12, lines 13-21); and

selecting at least one television program that contains at least one key object in response to a viewer instruction (col. 12, lines 22-26).

Nikolovska does not explicitly disclose the search capable video recorder and the recording in said search capable video recorder said at least one television program selected by said viewer. Nikolovska teaches, "the computer 240 has a mass storage device 235, for example a hard disk, to storage program schedule information, program

Art Unit: 2172

application and upgrades, and other information" (col. 7, lines 4-7). The computer 240 is a searchable video recorder. Since, the claim does not limit itself to any device computer 240 can perform a search and record information. In addition, the computer 240 in Nikolovska can store information in the mass storage device which also suggest the program can be stored there. Nikolovska might not clearly discloses the television program is recorded; however, Nikolovska mentions the mass storage device to stored the other information beside the program application. On the other hand, Strubbe discloses, "a "like" response could also be made by the viewer pressing a button indicating that the program is to be recorded" (col. 5, lines 19-21). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify recording of television program in Strubbe into Nikolovska in order to provide the searching and recording apparatus to allow the user to search and record the program for the later view.

Regarding on claim 14, Nikolovska teaches conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder (col. 13, lines 60-67).

Regarding on claims 15 and 20, Nikolovska teaches key object search is conducted for a predetermined period of time (col. 9, lines 1-2).

Regarding on claims 16 and 20, Nikolovska teaches key object search identifies at least one television program using program identification information (col. 12, lines 22-26).

Regarding on claims 17 and 22, Nikolovska teaches key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key objects used in said key object search (col. 12, lines 22-26).

Regarding on claims 18 and 23, Nikolovska teaches search capable video recorder comprises one of: a video recorder with a hard disk memory (computer 240 having a mass storage device) (col. 7, lines 4-5), a television set with a video recorder with a hard disk memory, a set top box with a video recorder with a hard disk memory, a video cassette recorder with a hard disk memory, and a personal computer with a video card.

Claim 19 is reject under the same reason as claim 13, Nikolovska also teaches placing said plurality of key objects in a list of key objects (col. 13, lines 53-59);

Regarding on claim 24, Nikolovska do not explicitly teach notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer (col. 14, lines 44-46).

Regarding on claim 4, Nikolovska teaches providing search results of said key object search to a viewer, said search results identifying at least one television program that contains at least one key object (col. 12, lines 22-26);

Selecting at least one television program that contains at least one key object in response to a viewer instruction (col. 12, lines 22-26); and

Nikolovska recording in said search capable video recorder said at least one television program selected by said viewer. Nikolovska might not clearly disclose the television program is recorded; however, Nikolovska mentions the mass storage device to stored the other information beside the program application. On the other hand, Strubbe discloses, "a "like" response could also be made by the viewer pressing a button indicating that the program is to be recorded" (col. 5, lines 19-21). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify recording of television program in Strubbe into Nikolovska in order to provide the searching and recording apparatus to allow the user to search and record the program for the later view.

Regarding on claim 5, Nikolovska teaches receiving in said search capable video recorder search results of said key object search, said search results containing at least one television program that contains at least one key object; and

Nikolovska does not teach recording in said search capable video recorder at least one of the television program identified in said search results. Nekoosa might not clearly disclose the television program is recorded; however, Nikolovska mentions the mass storage device to stored the other information beside the program application. On the other hand, Strubbe discloses, "a "like" response could also be made by the viewer pressing a button indicating that the program is to be recorded" (col. 5, lines 19-21). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify recording of television program in Strubbe into Nikolovska in order to provide the searching and recording apparatus to allow the user to search and record the program for the later view.

Regarding on claim 6, Nikolovska teaches using a selection criterion to select at least one television program from said search results to be recorded (col. 12, lines 22-27).

Regarding on claim 7, Nilkolovska teaches selection criterion comprises one of: selecting only those television program that will be shown in a particular time period (col. 4, lines 5-15), selecting only those television programs that are deemed to be the most relevant to a particular topic, selecting all television programs that appear within a search result until the disk space limit of a search capable of video recorder has been reached, selecting television program that may be overwritten by said search capable video recorder, and selecting television programs that may not be over written by said search capable video recorder.

Regarding on claim 8, Nikolovska recording in said search capable video recorder all of the television program identified in said search results (personal digital video recorder devices) (col. 9, lines 7-15).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail: BaoquocN.To@USPTO.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Art Unit: 2172

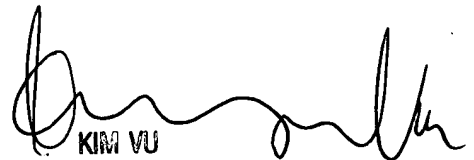
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Baoquoc N. To

July 25, 2003